

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

STACEY KIBODEAUX, aka ILLUSION,
an individual,

Plaintiff,

V.

A&D INTERESTS, INC., D/B/A
HEARTBREAKERS GENTLEMAN'S
CLUB; WHITEY DOE, an individual,

Defendants.

CIVIL ACTION NO. 3:20-cv-00008

DEFENDANT’S SECOND UNOPPOSED MOTION TO EXTEND TIME
TO FILE RESPONSIVE PLEADING TO PLAINTIFF’S ORIGINAL COMPLAINT

Defendant A&D Interests, Inc., d/b/a Heartbreakers Gentleman's Club asks the Court to extend its time to file an answer or other responsive pleading until such time as Plaintiff, Stacey Kibodeaux, files an amended complaint. Plaintiff agrees to this proposal and anticipates filing an amended complaint within the next 14 days.

BACKGROUND

Plaintiff filed her Original Complaint on January 14, 2020. (Dkt. No. 1). The Court granted Defendant's unopposed motion for extension of time to respond to the Plaintiff's complaint. (Dkt. No. 10), setting March 17, 2020 as Defendant's deadline.

Defendant timely filed its Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 17). However, the Court, citing Magistrate Judge Edison's Procedure 6.E, alerted Defendant to the filing's deficiency in its Order Striking Pleading on March 19, 2020. (Dkt. No. 13). The undersigned, recognizing the error, immediately conferred with Plaintiff's counsel.

The parties have agreed that in lieu of requesting a pre-motion conference with the Court and proceeding with Rule 12(b) motion practice at this time, it would be more efficient for Plaintiff

to first file an amended complaint, with Defendant's time to file an answer or other responsive pleading extended for a period of 21-days. FED. R. CIV. P. 12(a)(1)(A). If Defendant has reason to file another Rule 12 motion, it will most certainly comply with the Court's pre-filing procedures.

CONCLUSION

Defendant A&D Interests, Inc., d/b/a Heartbreakers Gentleman's Club asks the Court to grant this unopposed motion, and for any other relief to which it may be entitled.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Defendant conferred with counsel for Plaintiff, Jarrett Ellzey via telephone on March 19, 2020. Mr. Ellzey has agreed to the relief requested herein.

/s/ William X. King

William X. King

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document has been served on counsel of record in accordance with the Federal Rules of Civil Procedure via email and/or filing through the Court's ECF System on March 20, 2020.

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